

## Article - Public Safety

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§13A–101.

(a) In this title, unless the context otherwise requires, the following words have the meanings indicated.

(b) “Accuser” means:

- (1) a person who signs and swears to charges;
- (2) a person who directs that charges nominally be signed and sworn to by another; or
- (3) any other person who has an interest other than an official interest in the prosecution of the accused.

(c) “Cadet” or “candidate” means a person who is enrolled in or attending a state military academy, a regional training institute, or any other formal education program for the purpose of becoming a commissioned officer in the state military forces.

(d) “Classified information” means:

- (1) information or material that has been determined by an official of the United States or a state pursuant to law, an Executive order, or regulation to require protection against unauthorized disclosure for reasons of national or state security; and
- (2) restricted data, as defined in § 11(y) of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(y).

(e) “Commander” means commanding officer.

(f) “Commanding officer” includes:

- (1) commissioned officers of the state military forces; and
- (2) officers in charge only when administering non-judicial punishment under § 13A–301 of this code.

(g) “Convening authority” includes:

(1) the person who convened the court; and

(2) (i) a commissioned officer commanding for the time being; or

(ii) a successor in command to the convening authority.

(h) “Day” means:

(1) calendar day and is not synonymous with the term “unit training assembly.”

(2) as it relates to any punishment authorized by this article that is measured in terms of days, when served in a status other than annual field training, succeeding duty days.

(i) (1) “Duty status other than state active duty” means any other type of duty not in federal service and not full-time duty in the active service of the state under an order issued by authority of law.

(2) “Duty status other than state active duty” includes travel to and from such duty.

(j) “Enlisted member” means a person in an enlisted grade.

(k) “Judge advocate” means a commissioned officer of the organized state military forces who is a member in good standing of the bar of the highest court of a state:

(1) (i) certified or designated as a judge advocate in the Judge Advocate General’s Corps of the Army, Air Force, Navy, or the Marine Corps or designated as a law specialist as an officer of the Coast Guard, or a reserve component of one of these; or

(ii) certified as a non-federally recognized judge advocate, under regulations adopted pursuant to this provision, by the senior judge advocate of the commander of the force in the state military forces of which the accused is a member, as competent to perform such military justice duties required by this code; or

(2) if no judge advocate certified under item (1) of this subsection is available, certified by a senior judge advocate of the commander of another force in the state military forces, as the convening authority directs.

(l) “Military court” means:

- (1) a court–martial; or
- (2) a court of inquiry.

(m) “Military judge” means an official of a general or special court–martial detailed in accordance with § 13A–505 of this title.

(n) “Military offenses” means the offenses prescribed under the punitive provisions of the code.

(o) “National security” means the national defense and foreign relations of the United States.

(p) “Officer” means a commissioned or warrant officer.

(q) “Record,” when used in connection with the proceedings of a court–martial, means:

- (1) an official written transcript, written summary, or other writing relating to the proceedings; or
- (2) an official audiotape, videotape, digital image or file, or similar material from which sound, or sound and visual images depicting the proceedings, may be reproduced.

(r) “Senior force commander” means the commander of the same force of the State military forces as the accused.

(s) “Senior force judge advocate” means the senior judge advocate of the commander of the same force of the State military forces as the accused and who is that commander’s chief legal advisor.

(t) (1) “State active duty” means full–time duty in the State military forces under an order of the Governor or otherwise issued by authority of law, and paid by State funds.

(2) “State active duty” includes travel to and from such duty.

(u) (1) “State military forces” means the National Guard of the State, as defined in title 32 of the United States Code, when not in a status subjecting them to exclusive jurisdiction under 10 U.S.C. 47.

(2) “State military forces” does not include the unorganized militia, Maryland Defense Force, or any other State force that does not meet the definition under paragraph (1) of this subsection.

(v) “Superior commissioned officer” means a commissioned officer superior in rank or command.

(w) “Victim of an offense under this code” means an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense under this code.

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